

Washington, Wednesday, September 13, 1939

The President

Suspension of Operation of Title II of THE SUGAR ACT OF 1937

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 509 of the Sugar Act of 1937 provides, in part:

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of Title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist. * * *":

WHEREAS'the outbreak of war among major European countries has resulted in excessive and harmful speculation in sugar and rapidly rising prices to consumers, which conditions are accentuated by the marketing limitations imposed under title II of the Act: and

WHEREAS such increased prices of sugar will not accrue to the benefit of the majority of producers by reason of the sale of much of their current crop before the outbreak of the war:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, do hereby find and proclaim that a national economic emergency exists with respect to sugar, and do by this proclamation suspend the operation of title II of that Act.

DONE at the City of Washington this 11th day of September in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Inde-pendence of the United States

of America the one hundred and sixtyfourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL Secretary of State.

[No. 2361]

[F. R. Doc. 39-3343; Filed, September 12, 1939; 12:12 p. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT OF THE NEUTRALITY OF THE UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the 10th day of September' declaring the neutrality of the United States of America in the war now existing between Germany, on the one hand, and Canada, on the other hand:

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations. and proclamation, I hereby prescribe that the provisions of my Executive Order No. 8233 of September 5, 1939, prescribing regulations governing the enforcement of the neutrality of the United States, apply equally in respect to Canada.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE, September 10, 1939.

INo. 82491

[F.R. Doc. 39-3331; Filed, September 11, 1939; 2:55 p. m.]

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¹⁴ F.R. 3857 DI.

⁴ F.R. 3822 DI.



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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 2006 OF JULY 30, 1914, PLACING CERTAIN LAND Under the Jurisdiction of the Secre-TARY OF THE NAVY FOR USE AS A NAVAL RADIO STATION

CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, Executive Order, No. 2006 of July 30, 1914, placing certain land in the Canal Zone, at Darien, under the control of the Secretary of the Navy for use as a naval radio station, is hereby revoked, and such land returned to the control and jurisdiction of the Governor of The Panama Canal.

Franklin D Roosevelt

THE WHITE HOUSE, September 11, 1939.

[No. 8250]

[F. R. Doc. 39-3333; Filed, September 12, 1939; 10:24 a. m.]

REGULATION CONCERNING CREDITS TO BELLIGERENTS

I hereby prescribe that the provisions of my regulation of September 6, 1939,1 concerning credits to France: Germany; Poland; and the United Kingdom, India, Australia and New Zealand shall henceforth apply equally in respect to credits to Canada and the Union of South Africa.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE, September 11, 1939.

[F. R. Doc. 39-3334; Filed, September 12, 1939; 11:39 a. m.]

Rules, Regulations, Orders

TITLE 16-COMMERCIAL PRACTICES FEDERAL TRADE COMMISSION

[Docket No. 3443]

IN THE MATTER OF E. A. HOFFMAN CANDY COMPANY

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gaming device, or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order. E. A. Hoffman Candy Company, Docket 3443, September 2, 1939]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, dealers with assortments of candy together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Hoffman Candy Company, Docket 3443, September 2, 1939]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, dealers with push or pull cards, punch boards or other lottery devices. either with assortments of candy or other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38

Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) ICease and desist order, E. A. Hoffman Candy Company, Docket 3443, September 2, 1939].

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any other merchandise by use of push or pull cards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Hoffman Candy Company, Docket 3443, September 2,

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of September, A. D. 1939.

. Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Charles P. Vicini, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint (respondent having offered no testimony or other evidence in opposition to the allegations of the said complaint), brief of counsel for the Commission filed herein (respondent having filed no brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, E. A. Hoffman Candy Company, its officers, representatives, agents and employees. directly or through corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1). Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be made or may be made by means of a lottery, gaming device, or gift enterprise.

(2) Supplying to or placing in the hands of dealers assortments, of candy together with push or pull cards, punch boards or other lottery devices which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public.

¹⁴ F.R. 3852 DI.

hands of dealers push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public.

(4) Selling or otherwise disposing of said candy or any other merchandise by use of push or pull cards or other lottery

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 39-3339; Filed, September 12, 1939; 11:41 a. m.

TITLE 19—CUSTOMS DUTIES BUREAU OF CUSTOMS

[T. D. 49958]

COUNTERVAILING DUTIES ON IMPORTATIONS FROM GERMANY

KIND AND FORM OF EVIDENCE PRESCRIBED UPON WHICH COLLECTORS OF CUSTOMS MAY DISREGARD THE REQUIREMENTS WITH RESPECT TO THE DEPOSIT OF ESTIMATED ADDITIONAL DUTIES AND THE SUSPENSION OF LIQUIDATION OF ENTRIES PENDING RE-PORT OF THE PERTINENT FACTS TO THE BUREAU

SEPTEMBER 11, 1939.

To Collectors of Customs and Others Concerned:

Reference is made to T.D. 49821 of March 18, 1939,1 giving notice of countervailing duties to be imposed under section 303 of the Tariff Act of 1930 by reason of the payment or bestowal of a bounty or grant upon the exportation of certain goods from Germany, and numbered paragraph (2) of T.D. 49849 of April 24, 1939,2 wherein collectors of customs were authorized to disregard the provisions of T.D. 49821 in certain cases.

Collectors of customs may disregard the requirements of T.D. 49821 with respect to the deposit of estimated additional duties and the suspension of liquidation pending report of the pertinent facts to the Bureau in those cases in which there is presented by the importer evidence in the following form which satisfies them that the full purchase price of the imported merchandise has been paid or irrevocably and uncondi-

(3) Supplying to or placing in the | tionally secured to be paid in dollars or free reichsmarks, and that no bounty or grant within the purview of T.D. 49021 has been or will be paid or bestowed in respect of the merchandise:

> (1) The consular invoice, or an original or a carbon or photostatic copy of the commercial invoice, showing clearly the amount and kind of currency to be remitted in payment for the goods.

> (2) A fully executed countervailing duty declaration in accordance with the provisions of T.D. 49878 of June 3, 1939.

> (3) A memorandum, debit notice, or other written statement of the bank through which payment for the goods has been made, showing clearly that the purchaser in the United States has paid to the seller in Germany the exact amount of the invoice in dollars or free reichsmarks through the medium of a cable transfer or a bank draft drawn for the account of the purchaser on a German bank in favor of the seller of the merchandise; or that the bank has accepted a sight draft for such amount drawn by the seller against an irrevocable letter of credit issued by the bank for the account of the purchaser in favor of the seller; or that an accepted time draft for such amount has been discounted or negotiated by a bank in Germany; or that an accepted time draft for such amount in favor of the seller has been drawn against an irrevocable letter of credit or its payment otherwise secured by a bank.

> The deposit of estimated countervailing duties or suspension of liquidation shall be waived on the basis of the abovedescribed evidence only if the collector is thereby satisfied not only that the purchaser has made or irrevocably and unconditionally secured payment, but also that such payment in full has been received or irrevocably and unconditionally secured to be received by the seller in Germany.

Where payment is made or to be made to the German seller or for his account in the United States or in any country other than Germany, or in a currency other than dollars or free reichsmarks, the deposit of estimated countervailing duties should be required and the entry and related papers forwarded to the Bu- PART XI—SPECIAL PROVISIONS IN REGARD TO reau for a decision.

The Bureau is satisfied that, in the case of merchandise of other than German origin imported from countries other than Germany in dutiable containers of German origin, the assessment of countervailing duties is not warranted, and you are therefore authorized to liquidate such entries without assessing countervailing duties and without referring the entry and papers to the Bureau.

W. R. JOHNSON, Acting Commissioner of Customs.

[F.R. Doc. 39-3332; Filed, September 12, 1939; 9:22 a. m.]

TITLE 22—FOREIGN RELATIONS

DEPARTMENT OF STATE

RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CON-TRIBUTIONS FOR USE IN CANADA

SEPTEMBER 11, 1939.

The Secretary of State announces that the rules and regulations under the provisions of Section 3 (a) of the Joint Resolution of Congress approved May 1, 1937, in regard to the solicitation and collection of funds for use in France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, which he promulgated on September 5, 1939, henceforth apply equally in respect to the solicitation and collection of funds for use in Canada.

[SEAL]

CORDELL HULL.

[F. R. Dec. 39-3336; Filed, September 12, 1939; 11:39 a. m.]

REGULATIONS UNDER SECTION 9 OF THE JOINT RESOLUTION OF CONGRESS AP-PROVED MAY 1, 1937

SEPTEMBER 11, 1939.

The Secretary of State announces that the regulations under section 9 of the joint resolution of Congress approved May 1, 1937, which he promulgated on September 5, 1939,2 henceforth apply equally in respect to travel by citizens of the United States on vessels of Canada.

[SEAL]

CORDELL HULL.

[F. R. Doc. 39-3335; Filed, September 12, 1939; 11:39 a. m.]

SUPPLEMENT TO THE PAMPHLET, "INTER-NATIONAL TRAFFIC IN ARLIS-LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE International Traffic in Arms, Am-MUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR."

EXPORTATION TO CANADA

SEPTEMBER 11, 1939.

The Secretary of State announces that the special provisions in regard to exportation to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand, promulgated on September 5, 1939,2 and set forth in Part IX of this pamphlet, henceforth apply equally in respect to Canada.

FERRAT. T

CORDELL HULL.

[F. E. Doc. 39-3337; Filed, September 12, 1939; 11:39 a. m.]

¹4 F.R. 1301 DI.

²⁴ F.R. 1693 DL

³⁴ F.R. 2310 DL

¹⁴ P.R. 3839 DI.

²⁴ P.R. 3833 DI.

[Departmental Order No. 811]

REGULATIONS CONCERNING THE VALIDATION AND ISSUANCE OF PASSPORTS FOR USE IN EUROPEAN COUNTRIES

By virtue of and pursuant to the authority vested in me by Section I of the Act of July 3, 1926, 44 Stat. 887 (U.S.C., Title 22, Section 211a), and by Executive Order No. 7856 of March 31, 1938,1 prescribing rules governing the granting and issuing of passports in the United States, I, the undersigned, Secretary of State of the United States, hereby prescribe the following regulations:

No passport heretofore issued shall be valid for use in traveling from the United States to any country in Europe unless it is submitted to the Department of State for validation.

Before the Department of State will validate any passport heretofore issued for use in any country in Europe, it will be necessary for the person to whom the passport was issued to submit documentary evidence concerning the imperativeness of his proposed travel. A person who desires to travel in Europe for commercial purposes must support his application for the validation of his passport or for the issue of à passport with a letter from the head of the firm in the interests of which he intends to go to Europe. Such letter must state not only the names of the European countries which the applicant expects to visit and the objects of his visits thereto, but in addition, whether or not the applicant is a salaried employee of the firm concerned; and if so, how long he has been known to the firm and for what period of time he has been in its employ. If the applicant is going to Europe on a commission and not a salary basis, that fact also should be specifically stated. If the applicant for a passport is himself the head of the concern for which he is going to Europe, he must submit a letter from another officer of the concern or a letter from the head of some other reputable concern who has had business transactions with the applicant and has knowledge of the business in which the applicant is engaged and the object and necessity of his proposed trip to Europe.

An applicant who is going to Europe for any purpose other than commercial business must satisfy the Department of State that it is imperative that he go, and he must submit satisfactory documentary evidence substantiating his statement concerning the imperativeness of his proposed trip.

In view of the exigencies of the present situation and the consequent necessity of exercising the greatest care in the validation of passports or the issue

Whoever shall willfully and knowingly make any false statement in an applica-tion for passport with intent to induce or the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pur-suant to such laws, or whoever shall will-fully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000 or imprisoned not more than five years or both.

Women and children will not be included in passports issued to their husbands or fathers unless the urgent and imperative necessity of accompanying them is conclusively established.

Passports will not, as a rule, be validated or issued for travel in opposing belligerent countries.

Should a person now having a valid passport proceed to any European country without first having submitted his passport to the Department of State for validation, the protection of the United States may be withheld from him while he is abroad.

Should a person to whom a passport has been issued use it in violation of the conditions or restrictions contained therein, the protection of the United States may likewise be withheld from him while he is abroad and he will be liable for prosecution under the provisions of Section 221 of Title 22 of the U.S. Code, which reads in part as follows:

whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules pre-scribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; * * * shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Hereafter when a passport is validated for or issued for use in Europe, its validity shall be restricted to the period necessary to accomplish the purpose of the intended visit to Europe but in no case beyond a period of six months.

Passports in possession of persons now residing abroad shall in due course be submitted to American consular officers for appropriate endorsement under special instructions to be sent to such officers at a later date.

CORDELL HULL.

SEPTEMBER 4, 1939.

[F. R. Doc. 39-3341; Filed, September 12, 1939; 11:59 a. m.]

TITLE 26—INTERNAL REVENUE BUREAU OF INTERNAL REVENUE

[T. D. 4937]

REGULATIONS 90, AS AMENDED, RELATING TO THE EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT. FURTHER AMENDED

CREDITS AGAINST, AND REFUNDS OF, THE TAX IMPOSED BY TITLE IX OF THE SOCIAL SE-CURITY ACT FOR THE CALENDAR YEARS 1936, 1937, AND 1938

To Collectors of Internal Revenue and Others Concerned:

In order to conform Regulations 90, approved February 17, 1936 [Part 400. Title 26, Code of Federal Regulations], as amended, to section 902 (a), (b), (c), (d), and (h) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), such regulations are further amended as follows:

(1) Immediately preceding article 211. as amended by Treasury Decision 4812, approved June 18, 1938 [section 400.211, Title 26, Code of Federal Regulations, 1938 Sup.], the following is inserted:

SECTION 902 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

(a) Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit for the amount of contributions, with respect to employment during such year, paid by him into an unemployment fund under a State law—

(1) Before the sixtleth day after the date of the enactment of this Act;

(2) On or after such sixtieth day, with respect to wages paid after the fortieth day after such date of enactment;

(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

(b) Upon the payment of contributions into the unemployment fund of a State which are required under the unemployment compensation law of that State with respect to remuneration on the basis of which, prior to such payment into the proper fund, the taxpayer erroneously paid an amount as contributions under another unemployment compensation law, the payment into the proper fund shall, for purposes of credit against the tax imposed by section 901 of the Social Security Act for the calendar years 1936, 1937, and 1938, respectively, be deemed to have been made at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall, for purposes of credit against the tax, be deemed to have been made on the date the return for

the taxable year was filed under section 905 of the Social Security Act.

(c) The provisions of the Social Security Act in force prior to February 11, 1939 (except the provisions limiting the credit to

of new passports, the Department of State will be obliged to hold applicants and firms responsible for any false or misleading statements made by them in connection with applications for passports, and any such false or misleading statements would be in violation of Section 220 of Title 22 of the U.S. Code. which reads as follows:

¹1 F.R. 2. ²3 F.R. 1463 DI.

¹3 F.R. 799 DI.

The total credit allowable against the tax imposed by section 901 of such Act for the calendar years 1936, 1937, and 1938, respectively, shall not exceed 90 per centum of such

(h) Notwithstanding the provision of section 907 (f) of the Social Security Act limiting the term "contributions" to payments required by a State law, credit shall be permitted against the tax imposed by section 901 of such Act for the calendar year 1936 or 1937, for so much of any payments made as contributions for such year into the un-employment fund of a State which are held by the highest court of such State not to be required payments under the unemployment compensation law of such State if they are not returned to the taxpayer. So much of such payments as are not so returned shall be considered to be "contributions" for the purposes of section 903 of such Act. The periods of limitations prescribed by section 3312 (a) of the Internal Revenue Code shall be the period of the tax payment to the case of the tax for not begin to run, in the case of the tax for such year of any taxpayer to whom any such payment is returned, until the last such payment is returned to the taxpayer.

(2) Article 211, as amended by Treasury Decision 4812, approved June .18, 1938 [section 400.211, Title 26, Code of Federal Regulations, 1938 Sup.I, is further amended to read as follows:

ART. 211. Credit of contributions against tax for calendar years 1936, 1937, and 1938—(a) General. Subject to the limitations hereinafter prescribed in paragraph (b), the taxpayer may credit against the tax for the calendar year 1936, 1937, or 1938 the total amount of his contributions under all State laws which have been found by the Social Security Board to contain the provisions specified in section 903 (a) of the Social Security Act; provided that no credit may be taken for a contribution under a State law if such State has not been duly certified for the calendar year to the Secretary by the Social Security Board.

- "(b) Limitations on allowance of contributions as credit against tax. The allowance of contributions as credit against the tax for the calendar year 1936, 1937, or 1938 is subject to the following limitations:
- "(1) The total credit allowed to any taxpayer for contributions to State unemployment funds with respect to employment during any one year shall not exceed 90 percent of the tax against which such credit is applied.
- "(2) The contributions must have been actually paid into the State unemployment fund. Such payment must have been made before October 9, 1939, except that:
- "(i) The contributions with respect to wages paid after September 19, 1939 (for employment during the calendar year 1936, 1937, or 1938), may be paid into the State fund on or after October 9, 1939, subject, however, to the provisions

whose assets, at any time during the period August 11, 1939, to October 8, 1939, inclusive, are in the custody or control of a receiver, trustee, or fiduciary appointed by, or under the control of, a court of competent jurisdiction, may be paid into the State fund at any time, subject, however, to the provisions of article 503 of these regulations (section 400.503, Title 26, Code of Federal Regulationsl, relating to the statutory period of limitations applicable to credits.

"(iii) The contributions paid into the unemployed fund of a State which are required under the unemployment compensation law of that State, with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed to have been made at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall be deemed to have been made on the date the return for the taxable year was actually filed under section 905 of the Social Security Act.

- "(3) The contributions must have been paid with respect to employment as defined in section 907 (c) of the Social Security Act, that is, with respect to services performed by an employee within the United States and not excepted by such Act. (See articles 206 (7), Title 26, Code of Federal Regulations], inclusive.)
- "(4) The contributions must have been paid with respect to services performed during the calendar year covered by the return.
- "(c) Contributions. The term 'contributions' for purposes of credit against the tax means payments required to be made by an employer pursuant to a State law into the unemployment fund of such State, to the extent that such payments are made by the employer without any part thereof being deducted or deductible from the wages of individuals in his employ. Notwithstanding the provision limiting the term to payments required by a State law, the term also includes so much of any payments made as contributions for the calendar year 1936 or 1937 into the unemployment fund of a State which payments are held by the highest court of such State not to be required payments under the unemployment compensation law of such State, as are not returned to the taxpayer.

amounts paid before the date of filing returns) shall apply to allowance of credit under subsections (a), (b), and (h), and the terms used in such subsections shall nave the same meaning as when used in title IX of the Social Security Act prior to such date.

"(ii) The contributions of a taxpayer whose assets, at any time during the together with interest from the date. together with interest from the date when the tax was due."

> (3) Immediately preceding article 503½ as added by Treasury Decision 4812, approved June 18, 1938 [section 400.5031/2, Title 26, Code of Federal Regulations, 1938 Sup.1, the following is inserted:

> SECTION 802 (D) OF THE SOCIAL SECURITY ACT AMERICAN OF 1939

Refund of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under cubecetions (a), (b), and (h), may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund.

(4) Article 5031/2, as added by Treasury Decision 4812, approved June 13, 1938 [section 400.5031/2 Title 26, Code of Federal Regulations, 1938 Sup.I, is amended to read as follows:

"ART. 5031/2. Refund under section 902 (d) of the Social Security Act Amendments of 1939. (a) If the tax against which an amount is allowable as credit under section 902 (a), (b), and (h) of the Social Security Act Amendments of 1939 (see article 211, as amended [section 400.211, Title 26, Code of Federal Regulations, 1939 Sup.]) has been paid without the benefit of such credit, the taxpayer shall be entitled to a refund of the tax equal to the amount of such allowable credit. The taxpayer shall also be entitled to a refund of the amount to 206 (7) Isections 400.206 to 400.206 of interest or penalty, if any, collected from him with respect to the amount of tax refunded. No interest, however, shall be allowed or paid by the Government on the amount of any such refund.

"(b) Every claim for refund under section 902 (d) of the Social Security Act Amendments of 1939 shall be made on Form 843 in accordance with the provisions of this article and article 503 [section 400.503, Title 26, Code of Federal Regulations]. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

This Treasury Decision is effective only with respect to the tax imposed by Title IX of the Social Security Act for the calendar years 1936, 1937, and 1938. For provisions with respect to subsequent calendar years, see the Federal Unemployment Tax Act (subchapter C of chapter 9 of the Internal Revenue Code, as amended by the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.)).

(This Treasury Decision is issued under the authority contained in section 902 (c) "(d) If, subsequent to the filing of the of the Social Security Act Amendments return, a refund is made by a State to of 1939 (Public, No. 379, 76th Cong., 1st the taxpayer of any part of his contribu- sess.) and section 908 of the Social Seof article 503 of these regulations [sec- tions which had been credited against curity Act (49 Stat. 643; 42 U.S.C., Sup. tion 400.503, Title 26, Code of Federal the tax, the taxpayer is required to ad- IV, 1103); and interprets section 902 (a), curity Act Amendments of 1939 (Public, Agriculture. No. 379, 76th Cong., 1st sess.), and sections 902 and 907 of the Social Security Act (49 Stat. 639, 642; 42 U.S.C., Sup. IV, 1102, 1107).)

[SEAL] GUY T. HELVERING, Commissioner of Internal Revenue. Approved, September 9, 1939.

JOHN W. HANES,

Acting Secretary of the Treasury.

[F. R. Doc. 39-3344; Filed, September 12, 1939; 12:48 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Sugar Division.

NOTICE OF SECRETARY OF AGRICULTURE PURSUANT TO THE TRADE AGREEMENT WITH CUBA

Whereas the note to paragraph 501 of Schedule II of the trade agreement between the United States of America and Cuba, signed August 24, 1934, provides as follows:

"If and when the quota provisions of the Act 'to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes', approved May 9, 1934, become inoperative, and the Secretary of Agriculture gives public notice that no equivalent limitation on the importation of any article subject to that Act has been imposed, the duty on any such article imported into the United States of America from the Republic of Cuba shall be determined as though such article were-not enumerated and described in this Schedule; provided, however, that such rate of duty shall not exceed that imposed on the day of the signature of this Agreement."

Whereas the President of the United States of America, acting pursuant to Section 509 of the Sugar Act of 1937 (which continued, in substance, the quota provisions of the act "to include sugar beets and sugarcane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes", approved May 9, 1934), has suspended the operation of the quota provisions of that act.1

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby give public notice that no equivalent limitation on the importation of any article subject to the Sugar Act of 1937 has been imposed for the period of suspension of the quota provisions of that act.

Done at Washington, D. C., this 11th day of September 1939. Witness my

(b), (c), (d), and (h) of the Social Se-| hand and the seal of the Department of

[SEAL] H. A. WALLACE,

Secretary of Agriculture.

Effective 11:00 p. m., September 11, 1939.

[F. R. Doc. 39-3345; Filed, September 12, 1939; 12:54 p. m.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARN-ERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18. 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated herein below.

NAME AND ADDRESS OF FIRM

Adams-Millis Corporation (Plant No. 1), English Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. 2), Grimes Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. Washington Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. 4). Bodenheimer Street, Kernersville, North Carolina.

Adams-Millis Corporation (Plant No. 7), English Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. 8), Tryon, North Carolina. .

Archer Hosiery Mills, Columbus. Georgia.

Asheville Hosiery Company, Asheville. North Carolina (4 learners).

Bear Brand Hosiery Company, Gary, Indiana.

Bear Brand Hosiery Company, Henderson, Kentucky (9 learners).

Bear Brand Hosiery Company, Kankakee, Illinois.

Best Made Silk Hosiery Company, Quakertown, Pennsylvania.

Boston Mills, Inc., Watertown, Massachusetts (4 learners).

Browning Hosiery Mills, Bridgeport, Alabama.

Claussner Hosiery Company, Paducah, Kentucky.

Concord Knitting Company, Concord, North Carolina.

Dayton Hosiery Mills, Dayton, Tennessee.

Egg Harbor Knitting Mills, Inc., Egg Harbor City, New Jersey (5 learners).

Glen Raven Knitting Mills, Altamshaw, North Carolina.

Gloucester Knitting Mills, Gloucester, Massachusetts.

Hanes Hoslery Mills Company, Winston-Salem, North Carolina.

Holeproof Hosiery Company, Milwaukee, Wisconsin.

Huffman Full Fashioned Mills. Inc., Morganton, North Carolina (5 learners).

James Knitting Mills Company, Hickory, North Carolina (5 learners).

McLaurin Hosiery Mills, Inc., Asheboro, North Carolina.

Massachusetts Knitting Mills, Inc., Jamaica Plain, Massachusetts (41 learners).

Miller-Smith Hoslery Mills, Chattanooga, Tennessee.

Miller-Smith Hoslery Mills, Etowah, Tennessee.

Miller-Smith Hosiery Mills, Kingsport, Tennessee (5 learners).

Morganton Full Fashioned Hosiery Company, Morganton, North Carolina.

Peerless Hosiery Mills, Inc., Burlington, North Carolina (5 learners).

Pocomoke Textiles, Inc., Pocomoke City, Maryland (5 learners).

Princeton Hosiery Mills, Princeton, Kentucky.

Pure Silk Hosiery Mills, Inc., Panama City, Florida (4 learners).

The Robbins Knitting Company, Spruce Pine, North Carolina (25 learn-

Rome Hosiery Mills, Rome, Georgia. Silkay Hosiery Mills, Allentown, Pennsylvania.

Veital Hosiery Company, Le Roy, New York (5 learners).

Whitehall Knitting Mills, Mount Holly, North Carolina.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.1 For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be can-

¹See page 3889.

¹⁴ F.R. 2088 DI.

celed as of the date of their issuance and of business located in the AC Building, dealers, electrical repair shops, and gaif so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 12th day of September 1939.

> MERLE D. VINCENT, Chief of Hearings and Exemption Section.

[F. R. Doc. 39-3342; Filed, September 12, 1939; 12:05 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

[Docket] No. 38861

In the Matter of General Motors Cor-PORATION AND AC SPARK PLUG COM-PANY

COMPLAINT

The Federal Trade Commission, having reason to believe that the General Motors Corporation, a corporation, and AC Spark Plug Company, a corporation, and each of them, jointly and severally, are violating, and since June 19, 1936, have violated, the provisions of Sections 2 (a), 2 (d), and 3 of the Clayton Act as amended by the Robinson-Patman Act (U.S.C. Title 15, Sections 13 and 14) and have been and are using unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act (U.S.C. Title 15. Section 45), and it appearing to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission hereby issues its complaint, charging as follows:

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Charging violation of Section 3 of the Clayton Act, the Commission alleges:

Paragraph 1. Respondent General Motors Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located in General Motors Building, Detroit, Michigan. Said respondent is now, and for more than three years past has been, engaged in the manufacture of automobiles and automobile accessories, parts, and supplies, including spark plugs and spark plug parts, oil filters and oil filter renewal cartridges, and in the distribution and sale thereof. The manufacture of spark plugs, oil filters and oil filter renewal cartridges is carried on by said respondent by and through its AC Spark Plug Division.

Par. 2. Respondent AC Spark Plug Company is a corporation organized, existing, and doing business under and by

Flint, Michigan. Said respondent is engaged in the distribution and sale of Said products are also sold by chain spark plugs, spark plug parts, oil filters, oil filter renewal cartridges, and other automobile parts and accessories, hereinafter collectively referred to as "AC products." Said respondent is a wholly owned subsidiary of respondent General Motors Corporation.

Par. 3. Said respondents transport their said AC products, or cause the same to be transported, for distribution and sale, from the places where such products are manufactured or stored, into and through the various states of the United States to their customers and purchasers thereof located in other states of the United States and in the District of Columbia, and there is, and has been at all times herein mentioned, a continuous current of trade in commerce in said AC products manufactured, sold, and distributed by respondents between the states wherein respondents' factories and warehouses are located and various other states of the United States. Respondents' said AC products are sold and distributed by them for use, consumption, and resale within the United States and the District of Columbia.

Par. 4. Respondents distribute and sell their AC products throughout the United States in the same territories and places as, and in substantial competition with, other persons and corporations engaged in the manufacture, distribution, and sale of similar products of like grade and quality. Respondents for the past several years have annually furnished, in the original equipment field, more spark plugs than any other domestic spark plug manufacturer, supplying annually about one-half of the spark plugs used for original equipment on automobiles manufactured in the United States. Respondents, with one other manufacturer, during the year 1937 supplied more than 95% of the spark plugs used as original equipment in the automobile industry in the United States and about 90% of the spark plugs sold in the United States for all uses.

PAR. 5. The business of distributing and selling spark plugs and oil filters is divided into two main categories: first, the sale of such products through automobile and other motor manufacturers for use as original equipment; and second, the distribution and sale of such products for replacement of original equipment. The life of a spark plug or oil filter is normally shorter than the life of an automobile, and a complete replacement of spark plugs and oil filters is usually necessary several times during the normal operating life of every automobile. Consequently, the volume of spark plugs and oil filters cold for replacement use is greater than the volume of such products sold for original equipment. The distribution and sale of such products for replacement is carried virtue of the laws of the State of Mich- on chiefly by automobile service stations, the several States of the United States igan, with its principal office and place automobile dealers, automobile parts and the District of Columbia.

rages throughout the United States. stores, mail order houses, oil and tire companies, and others. The customers of respondents purchasing such AC products for resale, and many of their customers, are competitively engaged in the resale of such products at wholesale and retail in the various territories and places where said customers respectively carry on their businesses.

Pan. 6. Respondents' AC products are sold and distributed by more than 3,000 wholesalers of automobile parts and accessories located throughout the United States, and respondent AC Spark Plug Company has negotiated and entered into contracts with some 1,500 of such wholesalers, which contracts are now in force, governing the terms of, and for the sale of, said products. Respondents maintain direct contact with all of said contracting wholesalers and prescribe and enforce the prices, terms, and conditions of sale of their products by such wholesalers. Respondents' contracts with certain of said wholesalers classifled by them as "D" or distributor accounts provide that such wholesaler will stock, handle, sell and distribute said AC products on an exclusive basis, and substantial sales by said respondents to said "D" or distributor accounts are made on the condition contained in said contracts that said "D" or distributor purchasers shall not use or deal in similar products manufactured or sold by any competitor or competitors of respondents, and the prices fixed in said contracts and charged to said "D" or distributor accounts have been fixed and charged upon said condition, agreement and understanding. Respondents have also entered into contracts with a substantial number of other wholesalers handling, selling, and distributing said AC products and have sold their said products to such other wholesalers and have fixed prices for such products charged and to be charged such wholesalers on the condition, agreement, and understanding that such other wholesalers so purchasing respondents' said AC products shall not use or deal in similar products manufactured or sold by a competitor or competitors of respondents.

PAR. 7. The result, and effect, of said acts, policy, and practices of respondents has been to persuade, compel, and coerce many of such wholesalers and dealers in spark plugs and oil filters throughout the United States to cancel sales contracts with respondents' competitors, to discontinue dealing in and selling the products of such competitors, and to refuse to deal in or purchase the products of such competitors, and has been, and may be, to substantially lessen competition and tend to create a monopoly in the distribution and sale of spark plugs and oil filters in trade and commerce among

Charging violation of Section 2 (a) of the Clayton Act as amended, the Commission alleges:

PAR. 8. Paragraphs One to Five, inclusive, of Charge I hereof are hereby repeated and made a part of this charge as fully and with the same effect as though here again set forth at length.

PAR. 9. In the course and conduct of their business respondents sell directly to wholesalers and distributors classified by respondents into "D", "J", "A-1", and "A-4" accounts, which said accounts in turn supply to other dealers classified by respondents as "JC", "L", "A-5", and "A-6" accounts, and to other dealers in said AC products not classified and not holding contracts for the purchase of sald products. Said dealers classified as "JC", "L", "A-5", and "A-6" accounts are under direct contract with respondents. Since June 19, 1936, respondents have discriminated in price between different purchasers of their AC spark plugs of the same grade and quality by selling said plugs for use and resale in the United States and in the District of Columbia to "D" and "A-1" accounts at a unit price of 271/2¢, to "J" and "A-2" accounts at a unit price of 31¢, to "JC" and "A-5" accounts at a unit price of 34¢, to "L" and "A-6" accounts at a unit price of 37¢, and to still other accounts not under direct contract with respondents at a unit price of 41¢, and by selling the same AC spark plugs to automobile manufacturers and others. for original equipment on automobiles and motor vehicles at a unit price of 6¢ or less.

Par. 10. By thus selling their AC products at the prices set out in the preceding paragraph, respondents have discriminated in price between (1) classes of their direct accounts; (2) classes of their indirect accounts; (3) direct accounts and indirect accounts; (4) all contract accounts and non-contract dealers; (5) all replacement accounts and original equipment accounts, and the effect of the said discriminations in price may be substantially to lessen competition, tend to create a monopoly in the line of commerce in which respondents are engaged; to injure, destroy, and prevent competition between and among respondents' customers receiving the benefit of said discrimination and respondents' customers who do not receive the benefit of such discrimination, and between respondents and others competitively engaged with respondents in the manufacture, sale, and distribution of spark plugs. oil filters and oil filter renewal cartridges.

Charging violation of Section 2 (d) of the Clayton Act as amended, the Commission alleges:

PAR. 11. Paragraphs One to Five, inclusive, in Charge I hereof, are hereby repeated and made a part of this charge as fully and with the same effect as though here again set forth at length.

into a contract with a dealer in respondents' products classified by them as a "J" or jobber account must be guaranteed by a wholesale distributor classified by respondents as "D" or distributor account. After such contracts with "J" or jobber accounts have been entered into, respondents thereafter pay to each wholesaler classified by, and under contract to, respondents as a "D" or distributor account as compensation for and in consideration of the credit service so rendered by such "D" or distributor account in connection with the sale by respondents of their AC products, an amount equal to 10% of all purchases of said AC products by such "J" account from respondents. Each of said classes of respondents' customers classified by them as "D" and "J" accounts is in competition in the resale of respondents' AC products, a "D" account frequently competing with a "J" account whose credit he guarantees. Such payment or consideration of 10% as hereinabove described is not available on proportionately equal terms to all of respondents' customers competing in the distribution of respondents' AC products.

Charging violation of Section 5 of the Federal Trade Commission Act, the Commission alleges:

PAR. 13. Paragraphs One to Six of Charge I hereof and Paragraph Nine of Charge II hereof are hereby repeated and made a part of this count as fully and with the same effect as though here again set forth at length.

PAR. 14. As hereinbefore set out and described, respondents sell directly to wholesalers and distributors classified by respondents into "D", "J", "A-1" and "A-4" accounts (hereinafter referred to as direct accounts), which said accounts in turn supply said AC products to other dealers classified by respondents as "JC" "L", "A–5", and "A–6", "C", and "F" accounts (hereinafter referred to as indirect accounts), and to other dealers in said AC products not classified and not holding contracts for the purchase of said products. Respondents have engaged in the practice of negotiating and entering into contracts with said indirect accounts classified by it as "JC", "L" "A-5", "A-6", "C" and "F", by the terms of which and by the issuance of price lists, instructions to their direct issuance of price lists, instructions to their direct accounts, coercion and close supervision of the resale policy of such direct accounts, respondents fix, prescribe and control the prices, terms and conditions upon which their said direct accounts may supply their said AC products to the indirect accounts above mentioned and to other dealers in such products not holding such AC contracts. For AC Blue Top Spark Plugs, respondents, fix a price

Par. 12. Before respondents will enter accounts, and a price of 41¢ to non-contract dealers purchasing in lots of 10 or more. Similar price differentials are in "J" or jobber account, the credit of such force throughout the entire line of AC products. Direct accounts are required to call upon indirect accounts and to inform the respondents from time to time as to the amount of stock carried, the volume of sales being made by such accounts, the amount of stock of competitors of respondents carried, and the amount of sales thereof. By thus flxing the prices at which their direct accounts must resell AC products to their indirect accounts and non-contract dealers, respondents have induced, coerced, and compelled their said direct accounts to discriminate in price between the various classifications of said indirect accounts and between said indirect accounts and said non-contract dealers.

Par. 15. In the contracts entered into by respondents with said indirect accounts, as described in the preceding paragraph hereof, the special price quoted in the contract is given upon the condition and agreement that the dealer will carry a certain minimum stock of AC spark plugs and purchase a minimum quantity of such plugs during the calendar year covered by the contract. Said contract provides that they may be cancelled and the prices fixed therein may be withdrawn by respondents at any time if the contract holder fails to carry the required stock or purchase the agreed amount of AC spark plugs and further that they may be cancelled by respondents upon given notice without specification of reason. The direct accounts under AC contracts are instructed by respondents that all said contracts and the prices quoted therein may be cancelled and withdrawn by respondents if said direct accounts do not increase their volume of sales of AC spark plugs from year to year. Respondents exercise a complete supervision and control over both direct and indirect accounts through respondents' direct representatives who inform and instruct the direct and indirect accounts of respondents that unless said resale prices are maintained as arbitrarily fixed by respondents in said contracts and unless said minimum stock and purchase requirements are fully complied with, and that unless said direct and indirect accounts handle respondents' AC products exclusively and refuse to stock, handle, sell or distribute the products of respondents' competitors that the said contracts will be cancelled by respondents as to all or any of respondents' products or that the said account will be re-classified and the prices, fixed in said contracts, raised by respondents. The tendency and effect of such contracts and of such acts and practices by respondents is to induce, coerce and compel the dealers holding such contracts to deal in AC spark plugs and other AC products exclusively and to of 34¢ per plug to "JC" and "A-5" acprevent them from dealing in the prod-counts, a price of 37¢ to "L" and "A-6" ucts of respondents' competitors. By ing their distributors to adhere thereto and constantly supervising and checking their distributors' sales and distributing activities and by their threats and instructions issued by respondents' representatives, respondents effectively close to their competitors a substantial number of actual and potential outlets for the distribution and sale of spark plugs and oil filters.

PAR. 16. By the acts and practices above described, respondents have agreed with and compelled their distributors to maintain the various prices fixed by the respondents for the resale of their AC spark plugs and other AC products to the restraint of trade in commerce between the various states and in the District of Columbia; have obstructed, hampered and interfered with the normal and natural flow of trade and commerce in such products; have hindered and lessened competition in the distribution and sale of such products; and have injured their competitors by unfairly diverting business and trade from them and depriving them thereof; and have engaged in unfair acts and practices as to their competitors and as to their indirect customers: all to the prejudice and injury of the public.

Wherefore, the premises considered, the Federal Trade Commission on this 8th day of September, A. D. 1939, issues its complaint against said respondents.

Notice is hereby given you, General Motors Corporation and AC Spark Plug Company, respondents herein, that the 13th day of October, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Com-

ure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of September, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON.

Secretary.

negotiating such contracts and requir-| mission with respect to answers or fail-| SECURITIES AND EXCHANGE COM-MISSION.

> United States of America—Before the Securities and Exchange Commission

> At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

> > [File No. 32-154]

IN THE MATTER OF NEW ENGLAND POWER COMPANY; BELLOWS FALLS HYDRO-ELEC-TRIC CORPORATION AND NEW ENGLAND Association; POWER CONNECTICUT RIVER POWER COMPANY AND NEW ENG-LAND POWER ASSOCIATION

CONSERT TO WITHDRAWAL OF APPLICATION

Bellows Falls Hydro-Electric Corporation and Connecticut River Power Company, having heretofore filed applications, pursuant to Section 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-12F-1 promulgated thereunder, for approval of the sale to New England Power Company of the properties and franchises of Bellows Falls Hydro-Electric Corporation and certain of the properties and franchises of Connecticut River Power Company, all said companies being subsidiary companies of New England Power Association, a registered holding company; Bellows Falls Hydro-Electric Corporation having likewise filed an application pursuant to Section 10 (a) (1) of said Act;

Said New England Power Company having also filed an application (a) to be joined as a party to such proceedings, (b) requesting that the Commission take jurisdiction over such acquisition pursuant to the provisions of Section 12 (f) of said Act, and (c) for an order approving such acquisition under said Section 12 (f);

Said Bellows Falls Hydro-Electric Corporation, Connecticut River Power Company, New England Power Company and New England Power Association, having now filed applications for leave to withdraw said applications previously

It is ordered, That the Commission hereby consents to the withdrawal of said applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 39–3338; Filed, September 12, 1939; [F. R. Doc. 39–3340; Filed, September 12, 1939; 11:41 a. m.]

No. 176---2

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